

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. **Applicants/Contact names and addresses:**

Jesse C. and Oni M. Mann
10 Wood Ridge Dr.
Columbia Falls, MT 59912

2. **Type of action:** Surface Water Application for Beneficial Water Use Permit 76N 30149598

3. **Water source name:** McGregor Creek (McGregor Lake)

4. **Location affected by project:** McGregor Lake Estates Subdivision Lot 3, Government Lot 8, S2SENE Section 5, Township 26N, Range 25W, Flathead County, Montana.

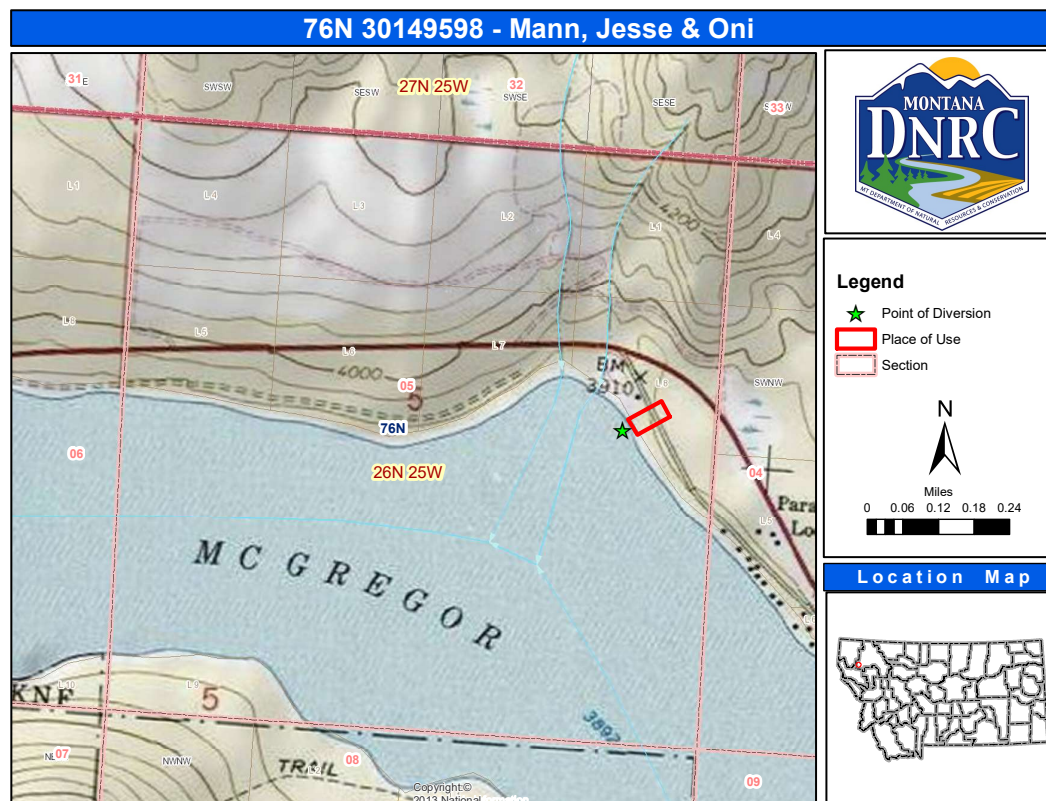


Figure 1. Map of the proposed place of use and point of diversion.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicants propose to divert water from McGregor Creek (McGregor Lake) (hereafter called McGregor Lake) using a pump. The Applicants request a 25.0 GPM flow rate up to an annual volume of 2.43 AF for domestic use (1.0 AF) and lawn and garden irrigation of 0.57 acres (1.43 AF). Domestic use will occur from January 1 – December 31 and lawn and garden irrigation will occur from April 25 – October 5. The point of diversion (POD) is located in the McGregor Lake Estates Subdivision Lot 3, Government Lot 8, SWSENE Section 5, Township 26N, Range 25W, Flathead County, Montana. The place of use is located in the McGregor Lake Estates Subdivision Lot 3, Government Lot 8, S2SENE Section 5, Township 26N, Range 25W, Flathead County, Montana (Figure 1). The POD is in the Lower Clark Fork River Basin (76N), in an area not subject to water right basin closures or controlled groundwater area restrictions.

The DNRC shall issue a water use permit if the applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (DFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MDEQ): Clean Water Act Information Center
- U.S. Natural Resources Conservation Service (NRCS): Web Soil Survey

Part II. Environmental Review

1. Environmental Impact Checklist:

<p>PHYSICAL ENVIRONMENT</p>

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

The Applicant plans to divert water from McGregor Creek (McGregor Lake), which is not on the DFWP list of chronically or periodically dewatered streams.

Determination: No significant impact.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

According to the MDEQ Clean Water Act Information Center's 2020 Water Quality Information, McGregor Creek, from McGregor Lake to mouth (Thompson River), is classified as "Fully Supporting" for Primary Contact Recreation. It is classified as "Not Fully Supporting" for aquatic life due to Flow Regime Modification (no TMDL applicable), Sedimentation-Siltation (TMDL completed), and Temperature (TMDL completed). It has not been assessed for Drinking Water and Agricultural uses. McGregor Creek's Water Quality Category is "4A" meaning all TMDLs needed to rectify all identified threats or impairments have been completed and approved. The proposed project is not anticipated to affect water quality.

Determination: No significant impact.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: N/A, this project diverts from a surface water source.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

The Applicants will divert water from McGregor Lake at a maximum rate of 25.0 GPM. The diversion will use a Franklin Electric QuickPAK 20-3WQP-2.0HP-3RC constant pressure drive (CPD) controlling a Franklin Electric 20FA2S4 pump. The Applicants will place the pump inside a 6-inch perforated PVC barrel mounted on a stand on the lake floor. A 1.5-inch poly line will transmit water 150-feet from the pump to the mechanical/control room within the residence. The system will then distribute water to household fixtures and to the irrigation control valve boxes. Household water will pass through a filtration and ultraviolet light disinfection unit, while irrigation water will not be treated. The CPD will ensure the system operates at a constant 65 pounds per square inch (psi).

The total dynamic head (TDH) of the system at the mechanical/control room is 182 feet, based on:

- i. The system operating pressure of 65 psi (equivalent to 150-feet of head);
- ii. The 23-foot elevation gain from the McGregor Lake surface elevation (3,892 feet above sea level (ft asl)) to the control room elevation (3,915 ft asl); and,
- iii. The friction losses in the 150-foot length of 1.5-inch poly transmission line at 25.0 GPM (equivalent to 9-feet of head).

Sure Water Systems Inc. preliminarily designed one irrigation zone for the purposes of this permit application. All subsequently designed zones in the final system design will have equivalent or lower flow demands than the initial zone. This initial zone uses five Hunter PGP sprinkler heads with Blue #3.0 nozzles. Each head will produce approximately 3.6 GPM given the friction losses associated with the distribution system and the variable land elevation within the irrigation zone area. Maximum flow demand per irrigation zone is 18.0 GPM. Only one zone

will operate at a time at up to 18.0 GPM. At least 7.0 GPM of the total requested 25.0 GPM remains available for domestic uses during nighttime irrigation.

The pump is capable of producing 25.0 GPM at a 182-foot TDH based on the applicant-provided system specifications. This flow rate will allow the Applicants to simultaneously supply the domestic uses and the landscaping irrigation system at adequate operating pressures.

This project will not create any channel impacts, flow modifications, barriers, dams, or riparian impacts to Flathead Lake, nor will it affect any wells.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

The Montana Natural Heritage Program website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any “species of concern” in Township 26N, Range 25W that could be impacted by the proposed project. 10 animal and zero plant species of concern (Table 1) were identified within the township and range where the project is located. Of these species, the Grizzly Bear (*Ursus arctos*) and the Canada Lynx (*Lynx canadensis*) are listed as threatened by the USFWS. This area is already moderately developed, and it is not anticipated that any species of concern will be further impacted by the proposed project.

Table 1. Animal Species of Concern				
Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>)	Canada Lynx (<i>Lynx canadensis</i>)	Fisher (<i>Pekania pennanti</i>)	Great Blue Heron (<i>Ardea herodias</i>)	Common Loon (<i>Gavia immer</i>)
Wolverine (<i>Gulo gulo</i>)	Hoary Bat (<i>Lasiurus cinereus</i>)	Grizzly Bear (<i>Ursus arctos</i>)	Northern Goshawk (<i>Accipiter gentilis</i>)	Westslope Cutthroat Trout (<i>Oncorhynchus clarkii lewisi</i>)

Determination: No significant impact.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: N/A, project does not involve wetlands or critical riparian habitats.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: N/A, project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

It is not anticipated that the proposed domestic use and irrigation of approximately 0.57 acres of lawn and garden will have a negative impact on the soil quality, stability, or moisture content. The soil in the project area is Pleasantvalley-Winfall, dry complex, 2 to 8 percent slopes, formed from volcanic ash over till derived from quartzite parent material. Pleasantvalley-Winfall, dry complex, 2 to 8 percent slopes has moderately high to high capacity to transmit water. Soils in this area are not likely susceptible to saline seep.

Determination: No significant impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

This general area is already somewhat developed and native vegetation has already been disturbed. It is not anticipated that issuance of a water use permit will contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowners, who must follow local noxious weed regulations.

Determination: No significant impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There will be no impact to air quality associated with issuance of the proposed permit for beneficial use of surface water.

Determination: No significant impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A, project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

All impacts to land, water, and energy have been identified and no further impacts are anticipated.

Determination: No significant impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is consistent with planned land uses.

Determination: No significant impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No significant impact.

HUMAN HEALTH - *Assess whether the proposed project impacts human health.*

No negative impact on human health is anticipated from this proposed use.

Determination: No significant impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes ___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? None identified.
- (b) Local and state tax base and tax revenues? None identified.
- (c) Existing land uses? None identified.
- (d) Quantity and distribution of employment? None identified.
- (e) Distribution and density of population and housing? None identified.
- (f) Demands for government services? None identified.
- (g) Industrial and commercial activity? None identified.
- (h) Utilities? None identified.
- (i) Transportation? None identified.
- (j) Safety? None identified.
- (k) Other appropriate social and economic circumstances? None identified.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. *Describe any mitigation/stipulation measures:*

None.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the diversion of water from McGregor Lake.

Part III. Conclusion

1. Preferred Alternative

Issue a water use permit if the Applicants prove that the criteria in 85-2-311 MCA are met.

2. Comments and Responses

None.

3. Finding:

Yes___ No **X** Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

Name of person(s) responsible for preparation of EA:

Name: Travis Wilson

Title: Water Resource Specialist

Date: December 18, 2020